

REMARKS

Claims 1-18 were examined. Claims 1, 10 and 18 are amended. Claims 1-18 remain in the Application.

The Patent Office objects to the drawings and to claims 10 and 18. The Patent Office rejects claims 4 and 16 under 35 U.S.C. §112, first paragraph and claim 1 under 35 U.S.C. §112, second paragraph. The Patent Office rejects claims 1-18 under 35 U.S.C. §103(a). Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

A. Objection to the Drawings

The Patent Office objects to the drawings with respect to the limitation "the second point beveled in a second direction opposite the first direction defining a tip" as not supported. Applicant believes such claim language is supported by the drawings and directs the Patent Office's attention to Figure 11. Specifically, Applicant includes herewith a marked-up Figure 11 showing angle β_1 and angle β_2 . It is clear from this drawing that angle β_1 and angle β_2 are angled in opposite directions.

The Patent Office objects to the drawings for failing to show angles α and γ as disclosed in paragraph [0028]. Figure 1 and Figure 3 are amended to include angles α and γ , respectively.

The Patent Office objects to Figure 7 because it did not show distal end 230. Figure 7 is amended to address the concern raised by the Patent Office.

Applicant respectfully requests that the Patent Office the rejections to the drawings and enter the replacement drawings.

The Patent Office objects to claims 10 and 18. Applicant appreciates the Patent Office's point, but believes that a diameter of a tip between 400 and 500 micrometers is reasonable. Applicant amend the claims to depend from claim 1 and claim 11, respectively. Applicant respectfully requests that the Patent Office withdraw the objection to claims 10 and 18.

B. 35 U.S.C. §112, First Paragraph: Rejection of Claims 4 & 16

The Patent Office rejects claims 4 and 16 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Patent Office notes claims 4 and 16 were citing a tapered region of approximately 1.5 centimeters from the tip is not supported. Applicant directs the Patent Office's attention to paragraph [0028] wherein such a limitation is supported in line 4 of that paragraph.

Applicant respectfully requests that the Patent Office withdraw the rejection to claims 4 and 16 under 35 U.S.C. §112, first paragraph.

C. 35 U.S.C. §112, Second Paragraph: Rejection of Claim 1

The Patent Office rejects claim 1 under 35 U.S.C. 112, second paragraph. Specifically, the Patent Office directs Applicant to the phrase "an end opening" in line 7. Applicant amends such language as suggested by the Patent Office. The Patent Office also believes that the limitations "the end" in lines 7 and 8 are not supported by an antecedent basis. Applicant believes there is such an antecedent basis and directs the Patent Office to the phrase "an end" in line 6.

Applicant respectfully requests that the Patent Office withdraw the rejection under 35 U.S.C. §112, second paragraph.

D. 35 U.S.C. §103(a): Rejection of Claims 1-18

The Patent Office rejects claims 1-18 under 35 U.S.C. §103(a) over U.S. Patent No. 4,474,576 of Gobby (Gobby) in view of U.S. Patent No. 5,472,419 of Bacich (Bacich). Gobby is cited for disclosing an artificial insemination device including a delivery section 51, a storage section 53 and a passage through both section, with the delivery member 30 defining a first axis of symmetry through the passage and a distal portion being offset. Bacich is cited for disclosing a transfer catheter body having a distal portion having an end that is beveled in a first direction across a passage and a second point beveled in a second direction.

Claims 1-10 describe a catheter including a shaft including a distal portion having an end that is beveled in a first direction across an opening in a portion beveled in a second direction opposite the first direction defining a tip. In response to an objection to the drawings, Applicant

provided an example of such beveling in two directions with respect to Figure 11. Given the example of Figure 11, it is evident that tip 35 provides a cutting tool for cutting through, for example, an endometrial lining.

Claims 1-10 are not obvious over the cited references, because the references fail to describe a catheter including a shaft including a distal portion having an end that is beveled in a first direction across an opening and a portion of the shaft beveled in a second direction opposite a first direction defining a tip. The Patent Office cites Bacich for the noted language. It is clear Bacich, however, includes an end of distal portion 31 beveled in a first direction and a portion of body 13 including second point 39 beveled in a second direction (relative to the first direction) but the second direction is not an opposite direction but instead is a blunted end of the transfer catheter. While such device may be an improved cutting tool according to the Patent Office, it is certainly does not offer the cutting advantages of, for example, the catheter show in Figure 11 of the pending Application. There is no motivation, suggestion or prediction in the combined references for a distal portion of a shaft having an end that is beveled in a first direction across an opening and a second direction opposite the first direction defining a tip.

Claims 11-18 describe an apparatus including a catheter body with a distal portion of the catheter body having an end beveled in a first direction across an end opening and a second portion beveled in a direction opposite the first direction defining a tip. As noted above with respect to claims 1-10, the cited references do not describe a catheter body having an end beveled in a first direction and a portion beveled in a second direction opposite the first direction defining a tip. The arguments presented above with respect to claims 1-10 are incorporated hereto.

Applicant respectfully requests that the Patent Office withdraw the rejection to claims 1-18 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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William T. Babbitt
William Thomas Babbitt, Reg. No. 39,591

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
Telephone (310) 207-3800
Facsimile (408) 720-8383

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Nedy Calderon
Nedy Calderon

2/19/08
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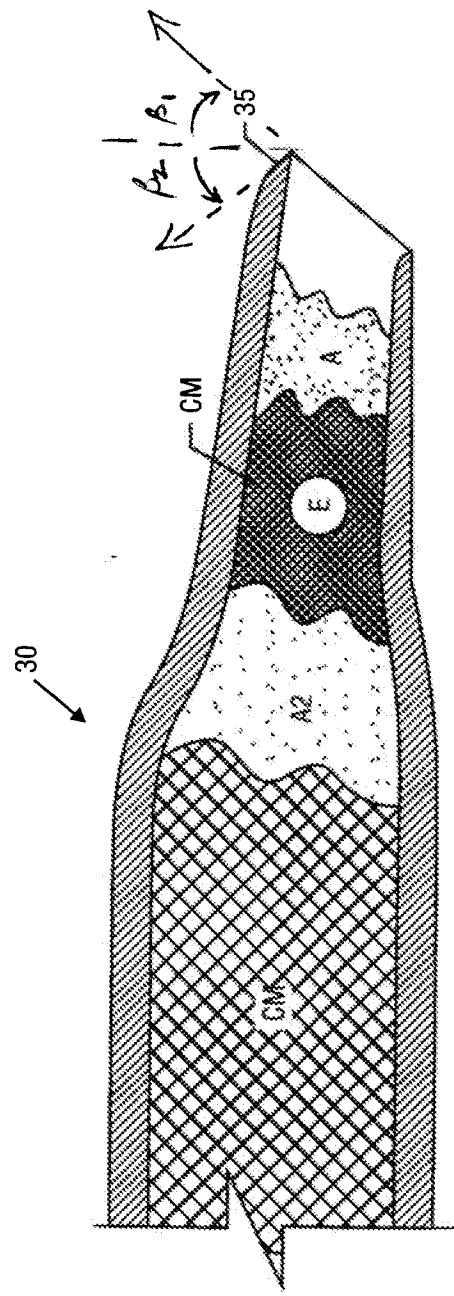


FIG. 11